



Annual Town Meeting Warrant

Middleborough, Massachusetts

To Joseph Perkins, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the Auditorium of the Middleborough High School, on Monday, April 22nd, 2019, at 7:15 P.M., to act on the following articles:

ARTICLE 1. To hear the report of any committee or officer of the Town, to appoint any committee, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum of money by taxation or from available funds in the treasury to defray expenses of the Town for the fiscal year beginning on July 1, 2019, relating to all or any of its officers, boards or departments and for purposes authorized by law, or act anything thereon.

ARTICLE 3. To see if the Town will vote to transfer from the income from the sales of gas and electricity a sum of \$745,000.00 to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2020, or act anything thereon.

ARTICLE 4. To see if the Town will vote to set limits on the total amount that may be expended from each of the following revolving funds during Fiscal Year 2020, as follows:

	Name of Revolving Funds	Maximum Total Amount which may be Expended from Funds
1	Municipal Fire Alarm System	\$15,000.00
2	Hazardous Materials Incident Training	\$50,000.00
3	Recycling Program	\$5,000.00
4	Composting Bin Program	\$2,500.00
5	Herring Fisheries Program	\$10,000.00
6	Recreation and Sports Program	\$100,000.00
7	Zoning Map, Bylaws and Subdivision, Rules and Regulations	\$2,500.00
8	Oliver Estate Advisory Committee	\$100,000.00
9	Tourism Committee	\$100,000.00
10	Wetland Act/Bylaw	\$15,000.00

, or act anything thereon.

ARTICLE 5. To see if the Town of Middleborough will accept MA General Laws Chapter 44, Section 53F3/4, which if accepted, allows the Town to establish a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight including salaries, operating expenses, equipment and/or facilities as it relates to PEG Access programming and also legal fees as it relates to renewal or transfer of the cable franchise agreement, establish a new special revenue fund known as the PEG Access and Cable Related Fund and to transfer the balance in the current PEG Access funds account 29.3309.00 into this new PEG Access and Cable Related Fund. The Permanent Cable Committee shall act as the agent of the Issuing Authority and shall make any/all financial disbursements and other final actions with the funds in this new PEG Access and Cable Related Fund account. The fund to begin operation for fiscal year 2020 which begins on July 1, 2019, or act anything thereon.

ARTICLE 6. To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund the following sums to fund the Fiscal Year 2020 budget of the Middleborough Permanent Cable Committee, said sums to be available to be expended to operate the Middleborough PEG Access Channels/MCCAM for necessary and expedient cable-related purposes consistent with the license agreements with Comcast and Verizon.

	PERSONAL SERVICES	
511008	STIPEND	\$ 2,500.00
511101	REG PAY SKILLED SERVICES	\$ 52,384.62
511104	REG PAY CLERICAL PT	\$ -
511115	REG PAY DEPARTMENT HEAD	\$ 83,097.70
514600	LONGEVITY	\$ 175.00
517400	HEALTH & LIFE INSURANCE	\$ 14,000.00
519501	PROFESSIONAL DEVELOPMENT	\$ 5,000.00
519800	SYSTEM OPERATOR STIPEND	\$ 15,000.00
	TOTAL PERSONAL SERVICES	\$ 169,657.32
	PURCHASES OF SERVICES	
524100	BLDG & GROUND MTCE	\$ -
526900	OTHER EQUIPMENT MTCE	\$ 25,000.00
527400	BLDG LEASE	\$ 12,000.00
530450	CONTRACT SERVICES	\$ 50,000.00
534100	TELEPHONE/INTERNET	\$ 8,000.00
534300	POSTAGE	\$ 250.00
	TOTAL: PURCHASES OF SERVICES	\$ 95,250.00
	CONSUM SUPPLIES	
542100	OFFICE & STATIONERY	\$ 5,000.00
542102	SUPPLIES/MATERIALS	\$ 5,000.00
542400	PRINTING	\$ 3,000.00
571000	IN STATE TRAVEL	\$ 1,000.00
573100	DUES	\$ 1,000.00
573300	LICENSES	\$ 5,000.00

	TOTAL: CONSUM SUPPLIES	\$ 20,000.00
	CAPITAL OUTLAY	
582400	CAPITAL PROJECTS	\$ 151,115.00
585200	NEW EQUIPMENT	\$ 50,000.00
	TOTAL: CAPITAL OUTLAY	\$ 201,115.00
	TOTAL: CABLE PUBLIC ACCESS	
	TOTAL: PEG ACCESS & CABLE RELATED	\$ 486,022.32

,or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$12,750.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for the Department of Public Works for all relevant and necessary expenses associated with the Emergency Action Plan for the Stony Brook Dam and the Nemasket Park Dam as required by the Massachusetts Department of Conservation and Recreation (DCR), or act anything thereon.

Sponsored by the Department of Public Works

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$80,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to purchase personal protective equipment for the Fire Department, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$225,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for sidewalk reconstruction on Center Street, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$65,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the purchase of a 10 foot power angle truck mounted belly scraper and a pavement roller with trailer for the Highway Department, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$127,816.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for network and hardware upgrades for the Information Technology Department and other Town Departments, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$100,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the construction of two basketball courts and a tennis court at Peirce Playground, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$90,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the Oliver Mill Park Restoration Project, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer \$199,800.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for resurfacing of the parking lot at the Elementary School Complex, to purchase a special education wheelchair van and a communication system upgrade for special education transportation, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer \$773,404.000 from Water Department Retained Earnings, or by borrowing for the water line replacement project at John Glass Square, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer \$88,500.00 from taxation, free cash, another specific available fund, Water Department Retained Earnings the Stabilization Fund, an existing appropriation or account or other available source, to purchase software for the SCADA computer system, personal computers/workstations and a K3500 4x4 regular cab with continental 8' plow for the Water Department, or act anything thereon

Sponsored by the Capital Planning Committee

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer \$60,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the tile replacement project at the Council on Aging Center, or act anything thereon

Sponsored by the Council on Aging Board of Directors

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$13,070.38 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to be expended under the direction of the Conservation Commission to pay expenses associated with acquisition by the Town of property on and off Wood Street in Middleborough owned by Elliot R. Schneider and shown on Assessors Map 52 as Lot 3315, including without limitation a Stewardship Endowment for the Wildlands Trust to hold the Conservation Restriction and for an Environmental Site Assessment, or act anything thereon.

Sponsored by the Conservation Commission

ARTICLE 19. To see if the Town will vote to raise and appropriate \$5,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to the Middleborough-Lakeville Herring Fishery Commission for invasive weed removal in the Nemasket River to aid the passage of River Herring, or act anything thereon.

Sponsored by the Middleborough-Lakeville Herring Fishery Commission

ARTICLE 20. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2020, with each item to be considered a separate appropriation:

Appropriations:

From FY 2020 estimated revenues for Committee Administrative expenses \$14,000.00

Reserves:

From FY 2020 estimated revenues for Historic Resources Reserve \$ 28,000.00

From FY 2020 estimated revenues for Community Housing Reserve \$ 28,000.00

From FY 2020 estimated revenues for Open Space Reserve \$ 28,000.00

From FY 2020 estimated revenues for Budgeted Reserve \$182,000.00

Or take any action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 21. To see if the Town will vote to appropriate \$40,000.00 from the Community Housing Resources Reserve of the Community Preservation Fund to fund the Middleborough Housing Authority's Nemasket Apartments Roof Project (120 and 140 Sproat Street) for the purpose of improving housing conditions for ten elderly housing units in two buildings; said funds to be expended under the direction of the Middleborough Housing Authority; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 22. To see if the Town will vote to appropriate \$45,000.00 from the Open Space Resources Reserve and \$25,000.00 from the Budgeted Reserve of the Community Preservation Funds for the purpose of Phase II Oliver Mill Park restoration project; including up to \$9,000.00 for project management and oversight said funds to be expended under the direction of the Park Department and the Community Preservation Committee; and to authorize the Board of Selectmen to grant or impose a preservation restriction with respect to Oliver Mill Park including without limitation Lots 3686,3674 and 4443 on Assessors Map 41J or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 23. To see if the Town will vote to accept M.G.L. Ch.41 s 100B, Indemnification of Retired Police Officers and Fire Fighters." Said General law would cover all police officers and fire fighters retired due to an on the job disability for all reasonable hospital, medical and surgical, chiropractic, nursing, pharmaceutical , prosthetic and related expenses and reasonable charges for podiatry incurred by such police officer or firefighter after his/her retirement.

Citizen Petition

ARTICLE 24. To see if the Town will vote to use some of the funds, received by the Town from Weston Forest timber sales re: the trust fund established under Clause Nineteenth C – VII of the will of Frederick S. Weston in

connection with the Frederick Weston Memorial property, for the Stipend for the Weston Forest Committee secretary, to appropriate from said funds \$400.00 for such purposes, or act anything thereon.

Sponsored by the Weston Forest Committee

Article 25. To see if the town will vote to authorize the Board of Selectmen to accept a gift from Susan Byrne, Kathleen Pratt and Bonnie Gallant to the Town of an easement over a triangular shaped parcel of land on the westerly side of Sachem Street in Middleborough containing 3,810 square feet and being the southerly end of Lot 1465 on Middleborough Assessors Map 059, said easement to be used in connection with a Middleborough Department of Public Works facility to be constructed on Lot 2265 on Middleborough Assessors Map 059, or act anything thereon.

Sponsored by the DPW Building Committee

Article 26. To see if the Town will vote to authorize the Board of Selectmen to grant an easement for nominal consideration to Susan Byrne, Kathleen Pratt and Bonnie Gallant over a triangular shaped parcel of land off the westerly side of Sachem Street in Middleborough containing 11,170 square feet and being at the southerly end of Lot 2265 on Middleborough Assessors Map 059, said easement to be used for passage on foot and by vehicle for access/egress to land shown as Lot 4056 on Middleborough Assessors Map 059, and to transfer control of said parcel to the Board of Selectmen for the purpose of granting said easement, or act anything thereon.

Sponsored by the DPW Building Committee

ARTICLE 27. To see if the Town will vote to rename the Oliver Estate Advisory Committee the Oliver Estate Managing Committee, or act anything thereon.

Sponsored by the Oliver Estate Advisory Committee

ARTICLE 28. To see if the Town will vote to transfer the care, custody, management and control of the Oliver Estate from the Board of Selectmen to the Oliver Estate Managing Committee, such Committee to advise the Town Manager periodically of the activities and events at the Oliver Estate, or act anything thereon.

Sponsored by the Oliver Estate Advisory Committee

ARTICLE 29. To see if the Town will vote to amend Section 5 of the Revolving Funds By-law adopted under Article 4 of the warrant for the 2018 Annual Town Meeting by deleting "Board of Selectmen" from Column B of the by-law Table applicable to the Oliver Estate Advisory Committee revolving fund and replacing it with "Oliver Estate Managing Committee" to be the expending authority for the revolving fund, or act anything thereon.

Sponsored by the Oliver Estate Advisory Committee

ARTICLE 30. To see if the town will vote to authorize the Board of Selectmen to amend the Intermunicipal Agreement with the Town of Lakeville, which permits Middleborough to provide water services to certain Lakeville customers, to add a new water service customer located at 16 Bridge Street, or act anything thereon.

ARTICLE 31. To see if the Town will vote to amend the Zoning by-Law and Zoning Map (Section 2.4) by changing the zoning district of Lots 3561, 3565, 3569, 3647, 3655, 3656, 3676 and 3684 shown on Town of Middleborough Board of Assessors Map 58J from Residence B District (RB) to General Use District (GU), or act anything thereon.

Sponsored by the Planning Board

ARTICLE 32. To see if the Town will vote to amend the Marijuana Licensing Bylaw, Article IV concerning “eligibility” to replace the current wording:

“Only applicants seeking to convert a medical marijuana treatment center engaged in the sale of marijuana or marijuana products, and licensed or registered not later than July 1, 2017, shall be eligible to apply for a license under this Bylaw to operate as a Marijuana Retailer” (emphasis added)

with the following:

“Only applicants seeking to convert a medical marijuana treatment center engaged in the sale of marijuana or marijuana products, and licensed or registered not later than October 1, 2017, shall be eligible to apply for a license under this Bylaw to operate as a Marijuana Retailer” (emphasis added)

Citizen Petition

ARTICLE 33. To see if the Town will vote to extend M.G.L. Chapter 59, §5, Clause 56 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year in which they are serving in a foreign country, or act anything thereon.

Sponsored by the Board of Assessors

ARTICLE 34. To see if the Town will vote accept M.G.L. c.60A, §1 allowing motor vehicle tax exemption for former prisoners of war and their surviving spouse, or act on anything thereon.

Sponsored by the Veteran’s Service Officer

ARTICLE 35. To see if the Town will accept Chapter 114 of the Acts of 2016, §8, paragraph (d), allowing reservists to receive the difference between their military base pay and Town salary, or act on anything thereon.

Sponsored by the Veteran’s Service Officer

Given, under our hands at Middleborough, this day of April 2019

Leilani Dalpe, Chairman

John M. Knowlton, Vice Chairman

Allin Frawley

Diane Stewart

Neil Rosenthal

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the 11th day of April 2019, that date being more than seven days before the time specified for said meeting.

Joseph Perkins
Police Chief